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5 IN THE UNITED STATES DISTRICT COURT  
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 FRANCISCA MORALEZ,  
10 Plaintiff,

No. C 16-00665 WHA

11 v.

12 ROBEHERBA TEHRANI, ARUN  
13 KUMAR, and BILL BINDAL, d/b/a  
14 Sinclair Gas, Lone Tree Service, Lone Tree  
15 Gas & Food; REAL HOLDINGS, INC.,  
16 Defendants.

**ORDER DISMISSING ACTION**

17 Plaintiff Francisca Moralez has repeatedly failed to serve defendants in this action. As  
18 a result, on November 16, 2016, Judge Elizabeth Laporte recommended dismissal (Dkt. No.  
19 28). The action was reassigned to the undersigned judge who declined to adopt Judge Laporte's  
20 report and recommendation, and ordered Moralez to serve defendants by May 25, 2017 (Dkt.  
21 No. 33). That order stated that no further extensions would be granted.


22 On May 31, Moralez filed a proof of service dated May 25, 2017, naming "Arun Kumar,  
23 et al., dba Sinclair Gas, Lone Tree Gas & Food" and stating that the process server "personally  
24 served the summons on the individual at . . . 3720 Lone Tree Way, Antioch, CA" (Dkt. No. 36).  
25 The certificate of service did not name any other defendant. Accordingly, this Court dismissed  
26 claims against all defendants but Kumar (Dkt. No. 37). It also observed that the summons  
27 Moralez filed is defective in that it fails to include the address of either the plaintiff or  
28 plaintiff's attorney as required by FRCP 4(a)(1)(C) (Dkt. No. 15) . On this basis, it ordered  
Moralez to show cause why her action should not be dismissed.

1 At the show-cause hearing, Moralez, who was represented by counsel, admitted that  
2 service on Tehrani was deficient, but nevertheless asked that this deficiency be excused, and  
3 that she be given a further opportunity to perfect service. Moralez indicated that, if she were  
4 given more time to effectuate service, she would re-file her lawsuit naming only defendants  
5 Roobeheba Tehrani and Bill Bindal, and personally serve those two defendants.

6 Moralez has provided no reason of any legal significance excusing her failure to  
7 properly serve defendants in this action despite being given several extensions of time in which  
8 to do so. Her time to serve Kumar has now passed. Accordingly, this action is **DISMISSED**.

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12 **IT IS SO ORDERED.**  
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16 Dated: June 29, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE